REMARKS

Claims 1, 3, 5 and 6 are pending and under consideration in the above-identified application. Claim 2 was cancelled previously.

With this Amendment claims 1 and 5 were Amended. This amendment was made to broaden the claims, by removing the mechanofused limitation.

In the Final Office Action dated July 6, 2010, the Examiner rejected claims 1, 3, 5 and 6.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagura et al. (JP 2002 373643) ("JP '643") in view of either Hisashi et al. (U.S. Publication No. 2005 0153205), Fujimoto et al. (U.S. Publication No. 2004 0058245), Park et al. (U.S. Publication No. 2002 0136955) or Masaki et al. (JP 2001 015101) and either Yamaura (U.S. Patent No. 4,668,594), Takada (U.S. Patent No. 5,958,281) or Mohwald (U.S. Patent No. 6,475,663).

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagura et al. in view of either Hisashi et al., Fujimoto et al., Park et al. or Masaki et al.

Applicant respectfully traverses each of the above listed rejections.

Independent claim 1 requires a mixture of an inorganic compound and a carbonaceous material on substantially the entire surface of the base particles. The ratio of these particles to the base particle is 98:2 to 70:30 and is represented by the formula A: (B+C). In the required ratio, A is the weight of the lithium-nickel-manganese oxide, B is the weight of the inorganic compound and C is the weight of the carbonaceous material.

JP '643 teaches an active material that is covered with (1) a lithium ion conductivity polymer, (2) an electric conduction agent (3) and a lithium ion conductivity inorganic solid electrolyte (4). JP '643, Figure 1 & Paragraphs [0009-10]. Moreover, JP '643 teaches that it is

"an indispensable condition to cover the front face of the particle…with a lithium ion conductivity polymer." JP '643, Paragraphs [0011].

The Examiner argues that JP '643 teaches a weight ratio of the base particle (1) to the coating (2, 3, & 4) is 10 grams to about 1. In other words, the weight ratio of JP '643 is 1: (2+3+4). Office Action, page 3. This weight ratio is not the same as the weight ratio required by the claims because the coating taught by JP '643 contains three components (2+3+4), rather than two (B+C).

Additionally, JP '643 teaches that the lithium ion conductivity polymer, which is not a component required by the claims, is an indispensable condition of the JP '643 coating. As such, JP '643 teaches a different weight ratio than the weight ratio required by the claims. Accordingly, independent claim 1 is patentable over the above cited references, taken either singularly or in combination with each other. Additionally, dependent claim 3 is patentable over the above cited references for at least the same reasons discussed above.

Claims 5 and 6 were rejected under under 35 U.S.C. § 103(a) as being unpatentable over Nagura et al. in view of either Hisashi et al., Fujimoto et al., Park et al. or Masaki et al. in further view of Yamaura, Takada or Mohwald. Applicant respectfully traverses the above listed rejection.

Claim 5 requires a two component coating. The ratio of the coating particles to the base particle is 98:2 to 70:30 and is represented by the formula A: (B+C). In the required ratio, A is the weight of the lithium-nickel-manganese oxide, B is the weight of the inorganic compound and C is the weight of the carbonaceous material.

As discussed above, JP '643 teaches a weight ratio that is not the same as required by the claims because JP '643 teaches a three-part coating, not two. Thus, taken either singularly or in

combination with each other, the cited references fail to teach the coating required by the claims with a weight ratio that is 98:2 to 70:30 and is represented by the formula A: (B+C). Accordingly, taken either singularly or in combination with each other, the above cited references fail to teach or even fairly suggest all the requirements of the claims 5 and 6. Thus, claims 5 and 6 are patentable over the cited references. As such, Applicants respectfully request the above rejection be withdrawn.

II. Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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